

STATE OF NEW YORK

8851

IN SENATE

January 9, 2026

Introduced by Sens. KRUEGER, COONEY, MAY, BRISPORT, CLEARE, COMRIE, FERNANDEZ, GONZALEZ, HARCKHAM, HINCHEY, JACKSON, KAVANAGH, SALAZAR, SANDERS, SEPULVEDA, SERRANO, SKOUFIS, STAVISKY, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts

AN ACT to amend the state finance law, in relation to prohibitions on the use of certain tropical hardwoods for state contracts

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraphs b, c, d and e of subdivision 1 of section 165 of the state finance law, as added by chapter 83 of the laws of 1995, are amended to read as follows:

b. (i) "Tropical hardwood" shall mean any and all hardwood, scientifically classified as angiosperm, that grows in any tropical ~~moist~~ forest. Tropical hardwoods shall ~~be~~ include but not be limited to the following species:

Scientific Name

Examples of Common ~~Name~~

Names

Prunus africana

African cherry, Red stinkwood

Caryocar costaricense

Ajo, Aji

Calophyllum spp.

Bintangor

Cedrela spp.

Cedar

Neobalanocarpus heimii,

Chengal

Balanocarpus heimii

Octomeles sumatrana Miq.

Erima, benuang

Myroxylon balsamum

Estoraque

Apuleia leiocarpa

Garapa

Parastemon urophyllus, Parastemon

Malas

spicatus Ridley

Hopea spp.

Merawan

Araucaria araucana

Monkey Puzzle, Chilean pine

Pterocarpus tinctorius

Mukula

Senna siamea

Siamese senna

Pometia pinata

Taun

EXPLANATION--Matter in italics (underscored) is new; matter in brackets ~~[-]~~ is old law to be omitted.

LBD14124-03-5

1	<u>Milletia leucantha Kurz</u>	<u>Thinwin</u>
2	<u>Bulnesia arborea, Bulnesia</u>	<u>Verawood, Argentine lignum</u>
3	<u>sarmientoi</u>	<u>vitae</u>
4	<u>Tristaniopsis laurina</u>	<u>Water gum</u>
5	<u>Terminalia spp.</u>	
6	<u>Homalium foetidum</u>	<u>Malas</u>
7	<u>Dillenia papuana</u>	<u>Dillenia</u>
8	<u>Canarium spp.</u>	<u>Red Canarium, Grey Canarium</u>
9	<u>Burkrella macropoda</u>	<u>Rang rang</u>
10	<u>Octomeles sumatrana</u>	<u>Erima, Benuang</u>
11	<u>Dracontomelon dao</u>	<u>New Guinea walnut</u>
12	<u>Planchonella spp.</u>	<u>White Planchonella, Red</u>
13		<u>Planchonella</u>
14	<u>Lophopetalum spp.</u>	<u>Perupok</u>
15	<u>Carinian pyriformis</u>	<u>Abarco, Jequitiba</u>
16	<u>Mitragyna ciliate</u>	<u>Abura</u>
17	<u>Vouacapous americana</u>	<u>Acapu</u>
18	<u>Amburana caerensis</u>	<u>Amburana, Cerejeira</u>
19	<u>Dalbergia melanoxyton</u>	<u>African Blackwood</u>
20	<u>Lovoa spp.</u>	<u>African Walnut, Tigerwood</u>
21	<u>Pericopsis elata</u>	<u>[Afrormosis] Afrormosia</u>
22	<u>[Shorea almon]</u>	<u>[Almon]</u>
23	<u>Aspidosperma megalocarpon</u>	<u>Acaretto</u>
24	<u>Peltogyne spp.</u>	<u>Amaranth, purpleheart</u>
25	<u>Terminalia amazonia</u>	<u>Amarillo Real</u>
26	<u>[Guibourtis] Guibourtia ehie</u>	<u>Amazaque</u>
27	<u>Amburana cearensis</u>	<u>Amburana, Cerejeira, cumare</u>
28	<u>Pterogyne nitens</u>	<u>Amendoim</u>
29	<u>Carapa guianensis</u>	<u>Andiroba, False Mahogany</u>
30	<u>Dicorynia guianensis</u>	<u>Angilique Cris</u>
31	<u>[Aningeris] Aningeria spp.</u>	<u>Aningeria, anegre,</u>
32		<u>anigre</u>
33	<u>Dipterocarpus [grandiflorus]</u>	<u>[Apilong] Apitong, Keruing</u>
34	<u>spp.</u>	
35	<u>Centrolobium spp.</u>	<u>Arariba, Amarillo</u>
36	<u>Brosimum utile</u>	<u>Baco</u>
37	<u>Shorea spp.</u>	<u>Balau, Selangan batu</u>
38	<u>Ochroma lagopus</u>	<u>Balsa</u>
39	<u>Ochroma pyramidale</u>	<u>Balsa</u>
40	<u>Myroxylon balsamum</u>	<u>Balsamo</u>
41	<u>[Virola spp.]</u>	<u>[Banak]</u>
42	<u>[Anisoptera thurifera]</u>	<u>[Bella-Rose]</u>
43	<u>[Guibourtis] Guibourtia arnoldiana</u>	
44		<u>Benge, Mutenye</u>
45	<u>Berlinia spp.</u>	<u>Berlinia, Rose Zebrano</u>
46	<u>Symphonia globulifera</u>	<u>Boar Wood</u>
47	<u>Deterium [Senegalese] senegalese</u>	<u>Boire</u>
48	<u>Caesalpinia echinata,</u>	<u>Brazilwood, Pernambuco</u>
49	<u>Paubrasilia eschinata</u>	
50	<u>Bertholletia excels</u>	<u>Brazil Tree</u>
51	<u>Brosimum alicastrum</u>	<u>Breadnut</u>
52	<u>Guilbourtia spp.</u>	<u>Bubinga, African</u>
53	<u>(G. demusei, G. pellegriniana,</u>	<u>Rosewood, Kevazingo</u>
54	<u>G. tessmannii)</u>	
55	<u>Toona calantas, Cedrela calantas</u>	<u>Calantas, Kalantas</u>
56	<u>Priora copaifera</u>	<u>Cativo</u>

1	<u>Cedrela odorata, Cedrela fissilis</u>	<u>Cedro, Cedar, Spanish cedar,</u>
2		<u>South American cedar</u>
3	<u>Ceiba pentandra</u>	<u>Ceiba</u>
4	Antiaris africana	Chenchen, <u>Antiaris</u>
5	<u>Couratari guianensis</u>	<u>Coco Blanco</u>
6	[Dalbergis] <u>Dalbergia</u>	
7	retusa	[Concobola] <u>Cocobolo,</u>
8		<u>Granadillo</u>
9	<u>Tabebuia donnell-smithii</u>	<u>Copal</u>
10	<u>Daniellia spp.</u>	<u>Copal, Daniellia</u>
11	Cordia spp.	Cordia, <u>Bocote, Zircote, Louro</u>
12	<u>Hymenaea courbaril</u>	<u>Courbaril, West Indian Locust</u>
13	<u>Dipteryx odorata</u>	<u>Cumaru</u>
14	<u>Piptadeniastrum africanum</u>	<u>Dahoma, Banzu</u>
15	<u>Calycophyllum candidissimum</u>	<u>Degame, Legame Lancewood,</u>
16		<u>Lemonwood</u>
17	<u>Afzelia spp.</u>	<u>Doussie, Lingue</u>
18	[Diospyros] <u>Diospyrus</u> spp.	Ebony, <u>Macassar</u>
19		<u>ebony,</u>
20		<u>Ceylon ebony</u>
21	<u>Lophira alata</u>	<u>Ekki, Azobe, Bangassi, Akoura,</u>
22		<u>Red Ironwood</u>
23	<u>Combretodendron macrocarpum</u>	<u>Esia, Essia</u>
24	<u>Cordia goeldiana</u>	<u>Freijo, Cordia Wood</u>
25	<u>Chlorophora tinctoria</u>	<u>Fustic, Yellow Wood, Tatajuba</u>
26	[Aucoumes] <u>Aucoumea</u> klaineana	Gaboon, <u>Okoume</u>
27	<u>Astronium spp.</u>	<u>Goncalo Alves, Zebrawood,</u>
28		<u>Tigerwood</u>
29	<u>Ocotea rodiaei</u>	<u>Greenheart</u>
30	<u>Enterolobium cyclocarpum</u>	<u>Guanacaste, Rain Tree,</u>
31		<u>Elephant Ear</u>
32	<u>Guarea spp.</u>	<u>Guarea, Bosse</u>
33	<u>Terminalia ivorensis</u>	<u>Idigbo, Framire, Black Afara</u>
34	<u>Phoebe porosa</u>	<u>Imbuia, Imbuya, Embuia,</u>
35		<u>Brazilian Walnut</u>
36	<u>Handroanthus spp.</u>	<u>Ipe, Brazilian walnut,</u>
37		<u>bethabarra, Pau d'arco,</u>
38		<u>Ironwood, Lapacho</u>
39	Chlorophors excelsa	Iroko
40	<u>Hymenaea courbaril</u>	<u>Jatoba, "Brazilian Cherry"</u>
41	<u>Jacaranda copaia</u>	<u>Jacaranda</u>
42	<u>Machaerium villosum</u>	<u>Jacaranda Pardo</u>
43	<u>Dyera costulata</u>	<u>Jelutong</u>
44	<u>Dryobalanops spp.</u>	<u>Kapur, Keladan</u>
45	<u>Koompassia malaccensis</u>	<u>Kempas, Impas</u>
46	Acacia koa	Koa
47	<u>Entandrophragma candollei</u>	<u>Kosipo, Omu</u>
48	Pterygota macrocarpa	Koto, <u>African Pterygota, Ware</u>
49	<u>Oxandra lanceolate</u>	<u>Lancewood</u>
50	Shorea spp. [negrosensis]	[Red] <u>Lauan, Luan,</u>
51		<u>Lawaan, Meranti, White</u>
52		<u>meranti, yellow meranti, dark</u>
53		<u>red meranti, light red meranti,</u>
54		<u>Seraya, Tanguile, Bang,</u>
55		<u>Philippine Mahogany</u>

1	[Pentacme contorta]	[White Lauan]
2	[Shores ploysprma]	[Tanguile]
3	<u>Nothofagus pumilio</u>	<u>Lenga</u>
4	<u>Guaiacum officinale</u>	<u>Lignum Vitae, Guayacan,</u>
5		<u>Ironwood</u>
6	Terminalia superba	Limba, Afara, Ofra
7	[Aniba duckei] <u>Aniba rosedora</u>	[Loure] <u>Brazilian</u>
8		<u>rosewood, pau rosa, bois</u>
9		<u>de rose</u>
10	<u>Nectandra spp.</u>	<u>Louro Preto</u>
11	[Kyaya ivorensis] <u>Khaya spp.</u>	[Africa] <u>African</u>
12		<u>Mahogany</u>
13	[Swietenia macrophylla]	[Amer. Mahogany]
14	<u>Swietenia spp.</u>	<u>American Mahogany, West Indian</u>
15		<u>Mahogany, Central American</u>
16		<u>Mahogany, Honduran Mahogany,</u>
17		<u>South American Mahogany,</u>
18		<u>Mexican Mahogany, Bigleaf</u>
19		<u>Mahogany, Little Leaf</u>
20		<u>Mahogany, Acajou, Caoba</u>
21		<u>Mogno</u>
22	Tieghemella [leckellii] <u>heckelii</u>	[Makora]
23		<u>Makore,</u>
24		<u>Baku</u>
25	<u>Diospyros marmorata</u>	<u>Marblewood, Zebrawood</u>
26	<u>Intsia bijuga, Intsia palembanica</u>	<u>Merbau, Ipil, Kwila</u>
27	<u>Anisoptera spp.</u>	<u>Mersawa, Krabak, Palosapis,</u>
28		<u>Bella Rosa</u>
29	<u>Mora excelsa</u>	<u>Mora</u>
30	Distemonanthus benthamianus	Movingui, <u>Ayan</u>
31	<u>Terminalia amazonia</u>	<u>Nargusta</u>
32	<u>Pterocarpus spp.</u>	<u>Narra, Ambyna, Papua New Guinea</u>
33		<u>Rosewood, Red Sanders, Mukula,</u>
34		<u>Kosso, Zitan, Hongmu, Padauk,</u>
35		<u>Vermillion Wood</u>
36	<u>Palaquium spp.</u>	<u>Nyato, Padang, Pencil Cedar</u>
37	<u>Triplochiton scleroxylon</u>	<u>Obeche, Samba</u>
38	<u>Nauclea diderrichii</u>	<u>Opepe, Sibo</u>
39	[Pterocarpus soyauxii]	[African Padauk]
40	[Pterocarpus angolensis]	[Angola Padauk]
41	<u>Millettia stuhlmannii</u>	<u>Panga Panga</u>
42	<u>Balfourodendron riedelianum</u>	<u>Pau Marfim</u>
43	Aspidosperma spp.	Peroba, <u>Rosa</u>
44	<u>Paratecoma peroba</u>	<u>Peroba Branca</u>
45	<u>Dalbergia frutescens, D. tomentosa</u>	<u>Pinkwood, Brazilia Tulipwood</u>
46	<u>Tabebuia donnell-smithii</u>	<u>Prima Vera, Roble, Durango</u>
47	Peltogyne spp.	<u>Purpleheart</u>
48	Gonystylus spp.	<u>Ramin</u>
49	<u>Melanorrhoea curtisii</u>	<u>Rengas, Borneo Rosewood</u>
50	<u>Nothofagus obliqua</u>	<u>Roble</u>
51	<u>Hevea brasiliensis</u>	<u>Rubberwood</u>
52	Dalbergia spp.	<u>Rosewood, Indian Rosewood,</u>
53		<u>Honduras Rosewood, cocobolo,</u>
54		<u>granadillo</u>
55	<u>Aniba duckei</u>	<u>Brazilian Rosewood</u>
56	[Entandrophragma] <u>Entandrophragma</u>	

1	cylindricum	[Sapela] <u>Sapele, Sapelli</u>
2	<u>Acanthopanax ricinofolius</u>	<u>Sen, Castor Arabia</u>
3	<u>Brosimum aubletti, Piratinera</u>	<u>Snakewood, Letterwood, Leopard</u>
4	<u>guianensis</u>	<u>Wood</u>
5	[Shores-phillippinensis]	[Sonora]
6	<u>Juglans spp. (juglans</u>	<u>South American Walnut, Peruvian</u>
7	<u>australis, J. neotropica,</u>	<u>Walnut, Tropical Walnut</u>
8	<u>J. Olanchana, etc.)</u>	
9	<u>Sterculia rhinopetala</u>	<u>Sterculia</u>
10	<u>Bagassa guianensis</u>	<u>Tatajuba, Bagasse</u>
11	<u>Tectona grandis</u>	<u>Teak</u>
12	<u>Lovoa trichilloides</u>	<u>Tigerwood</u>
13	<u>Entandrophragma utile</u>	<u>Utile, Sipo</u>
14	<u>Virola spp.</u>	<u>Virola, Cumala, Banak, Tapsava</u>
15	<u>Millettia laurentii</u>	<u>Wenge</u>
16	<u>Pentacme contorta</u>	<u>White Lauan</u>
17	<u>Microberlinia [brazzavillensis]</u>	<u>Zebrawood,</u>
18	<u>spp.</u>	<u>Zebrano, Zingana</u>

19 (ii) No later than January first, two thousand thirty, and at least
 20 every three years thereafter, the department of environmental conserva-
 21 tion, in consultation with the office of general services, shall through
 22 regulations update the list of tropical hardwood species in subparagraph
 23 (i) of this paragraph to ensure that such list includes all such species
 24 that are currently commonly available for commercial use in the United
 25 States, reflecting the most current data on production, trade, and
 26 marketing, and to account for any changes in taxonomy, marketing or
 27 trade names, market preference, usage, or other factors. Species shall
 28 not be removed from the list of examples except for purposes of correct-
 29 ing errors.

30 c. "Tropical [~~rain~~] forests" shall mean [~~any and all forests classi-~~
 31 ~~fied by the scientific term "Tropical moist forests", the classification~~
 32 ~~determined by the equatorial region of the forest and average rainfall]~~
 33 a natural ecosystem within the tropical regions, approximately bounded
 34 geographically by the tropics of Cancer and Capricorn, but possibly
 35 affected by other factors such as prevailing winds, containing native
 36 species composition, structure, and ecological function, with a tree
 37 canopy cover of more than ten percent over an area of at least 0.5
 38 hectares. "Tropical forests" shall include all of the following: (i)
 39 human-managed tropical forests or partially degraded tropical forests
 40 that are regenerating; and (ii) tropical forests identified by multi-ob-
 41 jective conservation based assessment methodologies, such as High
 42 Conservation Value (HCV) areas, as defined by the HCV Resource Network,
 43 or High Carbon Stock forests, as defined by the High Carbon Stock
 44 Approach, or by another methodology with equivalent or higher standards
 45 that includes primary forests and tropical peatlands of any depth.

46 d. "Tropical hardwood products" shall mean any wood products, whole-
 47 sale or retail, in any form, including but not limited to plywood,
 48 veneer, furniture, cabinets, paneling, siding, moldings, doors, doors-
 49 kins, joinery, flooring or sawnwood, which are composed, in whole or in
 50 part, of tropical hardwood [~~except plywood~~].

51 e. "Peat" means a soil that is rich in organic matter composed of
 52 partially decomposed plant materials equal to or greater than 40 centi-
 53 meters of the top 100 centimeters of the soil.

f. "Tropical peatlands" means wetlands within the tropical regions with a layer of peat made up of dead and decaying plant material. Tropical peatlands includes moors, bogs, mires, and peat swamp forests.

g. "Secondary materials" means any material recovered from or otherwise destined for the waste stream, including, but not limited to, post-consumer material, industrial scrap material and ~~[overstock or]~~ obsolete inventories from distributors, wholesalers and other companies but such term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process.

§ 2. Paragraphs a, b, c and d of subdivision 2 of section 165 of the state finance law, as added by chapter 83 of the laws of 1995, are amended and four new paragraphs e, f, g and h are added to read as follows:

a. Except as hereinafter provided, the state and any governmental agency or political subdivision or public benefit corporation of the state shall not purchase or obtain for any purpose any tropical hardwoods or tropical hardwood products, wholesale or retail, in any form, unless such tropical hardwoods or tropical hardwood products are secondary materials.

b. The provisions of paragraph a of this subdivision shall not apply to:

(i) ~~[Any hardwoods purchased from a sustained, managed forest; or (ii)]~~ Any binding contractual obligations for purchase of commodities entered into prior to August twenty-fifth, nineteen hundred ninety-one; or

~~[(iii) The purchase of any tropical hardwood or tropical hardwood product for which there is no acceptable non tropical hardwood species; or~~

~~(iv) Where the contracting officer finds that no person or entity doing business in the state is capable of providing acceptable non tropical hardwood species sufficient to meet the particular contract requirements; or~~

~~(v)]~~ (ii) Where the inclusion or application of such provisions will violate or be inconsistent with the terms or conditions of a grant, subvention or contract in an agency of the United States or the instructions of an authorized representative of any such agency with respect to any such grant, subvention or contract~~;~~ or

~~(vi) Where inclusion or application of such provisions results in a substantial cost increase to the state, government agency, political subdivision, public corporation or public benefit corporation].~~

c. (i) In the case of any bid proposal or solicitation, request for bid or proposal or contract for the construction of any public work, building maintenance or improvement for or on behalf of the state and any governmental agency or political subdivision or public benefit corporation of the state, it shall not require or permit the use of any tropical hardwood or ~~[wood]~~ tropical hardwood product, unless such tropical hardwood or tropical hardwood product is a secondary material.

(ii) Every bid proposal, solicitation, request for bid or proposal and contract for the construction of any public work, building maintenance or improvement shall contain a statement that any bid, proposal or other response to a solicitation for bid or proposal which proposes or calls for the use of any tropical hardwood or ~~[wood]~~ tropical hardwood product in performance of the contract shall be deemed non-responsive, unless such tropical hardwood or tropical hardwood product is a secondary material.

d. The provisions of paragraph c of this subdivision shall not apply:

(i) To bid packages advertised and made available to the public or any competitive and sealed bids received or entered into prior to August twenty-fifth, nineteen hundred ninety-one; or

(ii) To any amendment, modification or renewal of a contract, which contract was entered into prior to August twenty-fifth, nineteen hundred ninety-one, where such application would delay timely completion of a project or involve an increase in the total monies to be paid under that contract; or

(iii) Where the contracting officer finds that[+]

~~(A) No person or entity doing business in the state is capable of performing the contract using acceptable non-tropical hardwood species; or~~

~~(B) The]~~ the inclusion or application of such provisions will violate or be inconsistent with the terms or conditions of a grant, subvention or contract with an agency of the United States or the instructions of an authorized representative of any such agency with respect to any such grant, subvention or contract[; or

~~(C) The use of tropical woods is deemed necessary for purposes of historical restoration and there exists no available acceptable non-tropical wood species].~~

e. The use of any tropical hardwood or tropical hardwood product as part of the construction, renovation, maintenance, or installation of any public work, building or other structure, or improvement on lands owned or managed by the state or any governmental agency or political subdivision or public benefit corporation of the state shall be prohibited, except where such prohibition would violate or be inconsistent with the terms and conditions of a grant, subvention or contract with an agency of the United States or the instructions of an authorized representative of any such agency with respect to any such grant, subvention, or contract, unless such tropical hardwood or tropical hardwood product is a secondary material. The governmental agency, political subdivision, or public benefit corporation that owns or manages such land shall ensure that all contractors and subcontractors are informed of the requirements of this paragraph.

f. (i) Until January first, two thousand thirty-two, the provisions of paragraphs a, c, and e of this subdivision shall not apply to the use of ekki wood by the metropolitan transportation authority for the purpose of railroad ties in the New York city transit system, provided that the metropolitan transportation authority shall, no later than October first, two thousand twenty-seven, after providing notice and an opportunity for public comment, develop and issue an ekki transition plan outlining the steps the authority will take to minimize to the greatest extent possible, and eventually phase out, the use of ekki wood, and provided further that until such phase out has been completed, such agency shall use, to the greatest extent possible, only secondary materials when the use of ekki wood is specified and unavoidable. Such plan shall be made publicly available on the authority's website. No later than October first, two thousand twenty-eight, and annually thereafter until the expiration of this paragraph, the authority shall issue a public report outlining its progress toward achieving such plan.

(ii) If, on or after April first, two thousand thirty-one, the director of the budget issues a determination, after providing notice and an opportunity for public comment, that the authority has made significant progress in phasing out the use of ekki wood, but that a full phase out has been delayed due to technical or safety considerations, the provisions of subparagraph (i) of this paragraph may be extended until

1 December thirty-first of the subsequent calendar year. Such determi-
2 nation may be made annually thereafter, on or after April first of
3 subsequent years, provided that under no circumstances shall the
4 provisions of this paragraph extend beyond January first, two thousand
5 thirty-seven.

6 g. (i) Until January first, two thousand thirty-five, the provisions
7 of paragraphs a, c, and e of this subdivision shall not apply to the use
8 of greenheart wood by a ferry service directly owned and operated by an
9 agency of a city of one million or more, provided that such agency
10 shall, no later than October first, two thousand twenty-seven, after
11 providing notice and an opportunity for public comment, develop and
12 issue a greenheart transition plan outlining the steps such agency will
13 take to minimize to the greatest extent possible, and eventually phase
14 out, the use of greenheart wood, and provided further that until such
15 phase out has been completed, such agency shall use, to the greatest
16 extent possible, only secondary materials when the use of greenheart
17 wood is specified and unavoidable. Such plan shall be made publicly
18 available on the agency's website. No later than October first, two
19 thousand twenty-eight, and annually thereafter until the expiration of
20 this paragraph, the agency shall issue a public report outlining its
21 progress toward achieving such plan.

22 (ii) If, on or after April first, two thousand thirty-four, the direc-
23 tor of the budget issues a determination, after providing notice and an
24 opportunity for public comment, that such agency has made significant
25 progress in phasing out the use of greenheart wood, but that a full
26 phase out has been delayed due to technical or safety considerations,
27 the provisions of subparagraph (i) of this paragraph may be extended
28 until December thirty-first of the subsequent calendar year. Such
29 determination may be made annually thereafter, on or after April first
30 of subsequent years, provided that under no circumstances shall the
31 provisions of this paragraph extend beyond January first, two thousand
32 forty.

33 h. (i) Until January first, two thousand thirty-five, the provisions
34 of paragraphs a, c, and e of this subdivision shall not apply to the use
35 of greenheart wood on bridges managed by the department of transporta-
36 tion of a city of one million or more, provided that such department
37 shall, no later than October first, two thousand twenty-seven, after
38 providing notice and an opportunity for public comment, develop and
39 issue a greenheart transition plan outlining the steps such department
40 will take to minimize to the greatest extent possible, and eventually
41 phase out, the use of greenheart wood, and provided further that until
42 such phase out has been completed, such department shall use, to the
43 greatest extent possible, only secondary materials when the use of
44 greenheart wood is specified and unavoidable. Such plan shall be made
45 publicly available on the department's website. No later than October
46 first, two thousand twenty-eight, and annually thereafter until the
47 expiration of this paragraph, the department shall issue a public report
48 outlining its progress toward achieving such plan.

49 (ii) If, on or after April first, two thousand thirty-four, the direc-
50 tor of the budget issues a determination, after providing notice and an
51 opportunity for public comment, that such department has made signif-
52 icant progress in phasing out the use of greenheart wood, but that a
53 full phase out has been delayed due to technical or safety consider-
54 ations, the provisions of subparagraph (i) of this paragraph may be
55 extended until December thirty-first of the subsequent calendar year.
56 Such determination may be made annually thereafter, on or after April

1 first of subsequent years, provided that under no circumstances shall
2 the provisions of this paragraph extend beyond January first, two thou-
3 sand forty.

4 § 3. This act shall take effect on the ninetieth day after it shall
5 have become a law and shall apply to all contracts and binding contrac-
6 tual obligations entered into on and after such effective date.